

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

KMK OIL & GAS, INC. AND KENNETH M. KLEINKE Plaintiffs, V. JETT JONES ENERGY, LLC and JERRY JONES, JR. a/k/ JETT JONES Defendant	§ § § § § § §	CAUSE NO. 1600141 276/115 JUDICIAL DISTRICT MARION COUNTY, TEXAS
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PLAINTIFF'S NOTICE OF REMOVAL

Plaintiff, KMK Oil & Gas, Inc. ("KMK") files this Notice of Removal to the United States District Court for the Eastern District of Texas, Marshall Division and respectfully requests:

I. INTRODUCTION

1. On the 13th day of September, 2016, KMK filed its Original Petition for damages in the District Court of Marion County, Texas. In the Petition the Plaintiff claims losses for breach of contract, conversion and additional damages.

2. Pursuant to 28 U.S.C. §1446(a), copies of all process, pleadings, orders, and other papers filed in state court action and obtained by KMK Oil and Gas, Inc. are attached hereto and marked as Exhibit "A" and incorporated herein by reference.

II. TIMELINESS OF NOTICE OF REMOVAL

3. On the 28th day of June 2017, KMK filed its voluntary Chapter 11 petition in the United States Bankruptcy Court for the Eastern District of Texas. This Notice is filed within ninety (90) days of that date and, therefore, this Notice of Removal is timely.

III. BASIS FOR REMOVAL - EXCLUSIVE AND/OR RELATED TO UNITED STATES BANKRUPTCY COURT

4. A case may be removed to Federal Court if a claim or cause of action in a civil action

to the District Court for the district in which the civil action is pending, if such district court has jurisdiction of such claims or cause of action under 28 U.S.C. § 1334.

5. 28 U.S.C. §1334 states:

- (a) Except as provided in subsection (b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11.
- (b) Except as provided by subsection (e)(2), and notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11, or arising in or related to cases under title 11.

Subparagraph (e) provides:

- (e) The district court in which a case under title 11 is commenced or is pending shall the exclusive jurisdiction —
 - (1) of all property, wherever located, or the debtor as of the commencement of the case, and of property of the estate; and
 - (2) over all claims or causes of action that involve construction of Section 327 of Title 11, United States Code or rules relating to disclosure requirements under §327.

6. This Court has jurisdiction over this case pursuant to 28 U.S.C. §1334 as noted above.

7. Because the bankruptcy court has exclusive jurisdiction over property of the estate and over the Debtor, the matter should be removed to this court and this court has original and exclusive jurisdiction.

IV. VENUE

8. Venue of this case is proper in the United States District Court for the Eastern District of Texas, Marshall Division, because this district includes Marion County, where the case is pending.


9. Written Notice of Removal will be provided to the parties to this suit and filed with the District Court for the appropriate county.

10. The Debtor does consent to the entry of final orders or judgments by the bankruptcy court in all pleadings and copies of process are included as exhibits to this notice.

WHEREFORE, PREMISES CONSIDERED, having satisfied the requirements for removal, KMK Oil & Gas, Inc. gives notice that cause number 1600141 pending in the 276/115th Judicial District Court of Marion County, Texas has been removed to this Court.

Respectfully submitted,

RITCHESON, LAUFFER & VINCENT, P.C.
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Tyler, Texas 75701
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BY: 
CHARLES E. LAUFFER, JR.
State Bar No. 11989400

CERTIFICATE AND NOTICE OF FILING

I certify that on September 25, 2017, this Notice of Removal was sent to the District Clerk of Marion County, Texas and that written notice of filing of the Notice of Removal was served via eFile.TXCourts.Gov upon the attorney of record for Defendant.


CHARLES E. LAUFFER, JR.

CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2017, a true and correct copy of the foregoing instrument was forwarded to the following parties via certified mail, return receipt requested to:

Jerry Jones, Jr a/k/a Jett Jones
201 W. Houston Street
Marshall TX 75670

Jett Jones Energy, LLC
201 W. Houston Street
Marshall TX 75670

Josh B. Maness
480 W. Texas Ave.
Waskom TX 75692

A handwritten signature in black ink, appearing to read "C. Lauffer, Jr.", is written over a horizontal line.

CHARLES E. LAUFFER, JR.